

ESTTA Tracking number: **ESTTA695525**

Filing date: **09/14/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91223111
Party	Defendant Nader,Eduardo Aziz
Correspondence Address	LAWRENCE E. ABELMAN ABELMAN, FRAYNE & SCHWAB 10th Floor 666 3RD AVE NEW YORK, NY 10017-4011 docket@lawabel.com;fterranella@lawabel.
Submission	Answer
Filer's Name	Lawrence E. Abelman
Filer's e-mail	ehalstead@lawabel.com,docket@lawabel.com
Signature	/lea/
Date	09/14/2015
Attachments	MISY Answer w Aff Def.pdf(91996 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

MISYS LIMITED,

Opposer

v.

EDUARDO AZIZ NADER,

Applicant

Opposition No. 91223111

In re Appln. No. 86/339112

Commissioner of Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

APPLICANT'S ANSWER TO THE NOTICE OF OPPOSITION

1. Applicant has insufficient information as to the allegations set forth in Paragraph 1 and therefore denies same.
2. Applicant admits to Paragraph 2.
3. Applicant has insufficient information as to the allegations set forth in Paragraph 3 and therefore denies same.
4. Applicant has insufficient information as to the allegations set forth in Paragraph 4 and therefore denies same.
5. Applicant admits to Paragraph 5.
6. Applicant has insufficient information as to the allegations set forth in Paragraph 6 and therefore denies same.
7. Applicant has insufficient information as to the allegations set forth in Paragraph 7 and therefore denies same.
8. Applicant denies the allegations contained in Paragraph 8.
9. Applicant denies the allegations contained in Paragraph 9.
10. Applicant denies the allegations contained in Paragraph 10.
11. Applicant denies the allegations contained in Paragraph 11.

12. Applicant has insufficient information as to the allegations set forth in Paragraph 12 and therefore denies same.

13. Applicant denies the allegations contained in Paragraph 13.

AFFIRMATIVE DEFENSES

14. Applicant alleges that its mark is visually and phonetically distinct from those of Opposer and therefore, the marks are not likely to be confused.

15. Applicant asserts that the commercial impression resulting from Opposer's marks is separate and distinct from that which results from Applicant's mark so that confusion is unlikely.

16. Applicant alleges that Opposer's mark MISYS is an acronym for "Manufacturing Information Systems," or "My System." The suffix "SYS" is a well-known abbreviation for SYSTEM in the computer industry, thus it is significant that Applicant's mark does not contain the suffix "SYS."

17. Applicant asserts that Opposer's marks currently co-exist on the Federal Register with third party applications and registrations which include the mark "MISYS" and which cover goods and services that are the same as, or highly related to, those covered by Opposer's MISYS marks. Accordingly, Opposer's marks are somewhat weak and should not be entitled to a great deal of protection.

18. The Applicant's application was published on April 7, 2015; accordingly, the Trademark Office has already determined that the Parties' marks were not likely to cause confusion in the marketplace.

WHEREFORE, it is respectfully requested that the Notice of Opposition be dismissed with prejudice.

Dated: September 14, 2015

Respectfully submitted,

/s/Lawrence Abelman
LAWRENCE ABELMAN
ERICA R. HALSTEAD

ABELMAN FRAYNE & SCHWAB
666 Third Avenue
New York, New York 10017
212-949-9022

Attorneys for Applicant
EDUARDO AZIZ NADER

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing **ANSWER TO THE NOTICE OF OPPOSITION** was filed via ESTTA, and a copy was sent via first class mail, postage prepaid, this 14th day of September 2015 upon the following:

Jessie K. Reider
Buchalter Nemer
1000 Wilshire Blvd., Suite 1500
Los Angeles, CA 90017

/s/Erica R. Halstead
ERICA R. HALSTEAD